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14 Attorneys for Defendant and
15 Third Party-Defendant
Joymax Trading, Inc.

16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA

18 BRIGHTON COLLECTIBLES, INC., a
19 Delaware corporation,

20 Plaintiff,

21 v.

22 RK TEXAS LEATHER MFG., INC., et al,

23 Defendants.
24

25 RELATED THIRD-PARTY ACTION.
26
27
28

Case No. 3:10-CV-0419-CAB (WVG)
Honorable Cathy Ann Bencivengo

**NOTICE OF MOTION AND *DAUBERT*
MOTION TO EXCLUDE THE SURVEYS
AND TESTIMONY OF GARY FRAZIER,
PH.D.**

[Concurrently filed with Memorandum of
Points and Authorities, Declaration of Chanille
Carswell and Proposed Order]

Date: August 23, 2012
Time: 2:30 p.m.
Courtroom: 2

TO THE COURT, ALL PARTIES AND/OR THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 23, 2012 at 2:30 p.m., in Courtroom 2 of the above-entitled Court, located at 940 Front Street, San Diego, California, 92101, Defendant Joymax Trading, Inc. ("Joymax"), will move this court for a *Daubert* Motion to Exclude the Surveys and Testimony of Gary Frazier, Ph.D. This motion is brought pursuant to Fed. R. Evid. 702 and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).

This motion will be based on this Notice of Motion, the Memorandum of Points and Authorities filed in support thereof, and the Declaration of Chanille Carswell filed contemporaneously herewith, the entire court file in this action, as well as such other argument and evidence as may later be submitted with Joymax's reply brief and at the hearing hereof.

Respectfully submitted,

BROOKS KUSHMAN P.C.

Dated: July 6, 2012

/s/ Chanille Carswell

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on July 6, 2012, I electronically filed the foregoing document with the Clerk of the Court for the Central District of California using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing: Mark A. Cantor, Chanille Carswell, Matthew L. Green, Timothy J. Halloran, Lawrence Heller, Lawrence E. Heller, Dan N. MacLemore, James F. Monagle, Thomas M. O'Leary, John K. Park, Chong H. Roh, Peter W. Ross, Benjamin D. Scheibe, David Swift, William E. Thomson, Jr., Kent M. Walker, Keith J. Wesley, Steven W. Winton.

I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System: NONE.

Respectfully submitted,

BROOKS KUSHMAN P.C.

/s/ Chanille Carswell

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